



Appeal Decision

Site visit made on 7 May 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2025

Appeal Ref: APP/C3105/W/25/3359881

Fullers Farm, North Street, Fritwell, Oxfordshire OX27 7QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr K. Allen against the decision of Cherwell District Council.
 - The application Ref is 24/01193/F.
 - The development proposed is change of use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, I saw that the development had commenced, and I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the Fritwell Conservation Area (CA),
 - the effect of the proposal on the living conditions of neighbouring occupiers with regard to privacy, and
 - whether adequate living conditions would be provided for future occupiers with regard to privacy and the provision of private outdoor amenity space.

Reasons

Character and appearance of the CA

4. The CA covers an area encompassing the village of Fritwell, which is a polyfocal village developing from two manorial estates on either side of open fields. The appeal site is located within the North Street character area which is predominantly historic farms which have been subsumed into the village street. Means of enclosure is a key element in creating the areas distinctive character through limestone walls, metal railings and post and rail fencing that create a rural feel. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the enclosed site that contributes to the rural feel of the area.

5. The proposed development is not visible from public vantage points due to site being an enclosed courtyard. No works are proposed to the external walls that front the road and as such, the proposal would continue to contribute to the boundary treatments that run along North Road and preserve the rural character and appearance of the CA.
6. I therefore find that the proposal would have a neutral effect on the character and appearance of the CA. I find no conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (LP1), Policies C28 and C30 of the Cherwell Local Plan November 1996 (LP) and Paragraph 212 of the Framework. Amongst other things, these seek to ensure that developments conserve designated heritage assets, respect the traditional enclosures and are compatible with the appearance and character of existing dwellings in the vicinity.

Living conditions of neighbouring occupiers

7. The courtyard area is shared by the existing dwelling as well as the proposed dwellings. All of the windows of the proposed dwellings would face towards the courtyard area and existing dwelling, which, combined with the closeness would result in a loss of privacy for the occupiers of the existing dwelling.
8. It is also proposed that this area would be used as a shared private amenity space for future occupiers which would further result in a lack of privacy for existing occupiers.
9. The Council consider that there would be a loss of light as a result of the proposed development. However, the buildings are existing and form part of the courtyard, no external works are proposed that would impact sunlight or daylight.
10. Notwithstanding my finding on sunlight and daylight, I conclude that the proposed development would harm the living condition of neighbouring occupiers with regard to privacy. It would be contrary to Policy ESD15 of the LP1, Policy C30 of the LP and Paragraph 135 of the Framework. Amongst other things, these seek to ensure that and a high standard of amenity for existing users

Whether adequate living conditions would be provided

11. The layout of the proposed development is within a courtyard, with all windows facing towards the courtyard. As a result, views would be possible from occupiers of the existing dwelling as well as proposed dwellings and would result in a lack of privacy for future occupiers.
12. No formal private outdoor amenity space is proposed as part of the proposed development. I note that the occupiers could use the courtyard area, however, this would not be private and would lack privacy for the reasons already outlined.
13. I note the appellant suggests that future occupiers could use the rear garden of the existing dwelling, however, this area of land is outside of the red line and there would be no formal agreement to ensure that future occupiers could access this space.
14. The Council consider that there would be a loss of light as a result of the proposed development. However, the buildings are existing and form part of the courtyard, no external works are proposed that would impact sunlight or daylight.

15. Notwithstanding my finding on sunlight and daylight, I conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to privacy and the provision of private outdoor amenity space. It would be contrary to Policy ESD15 of the LP1, Policy C30 of the LP and Paragraph 135 of the Framework. Amongst other things, these seek to ensure that and a high standard of amenity for future users

Other Matters

16. The Council have found the principle of residential development within the appeal site to be acceptable and that it would provide adequate parking for occupiers. However, while I have no reason to conclude otherwise this is a neutral matter.
17. The development is located close to a number of facilities which are accessible by foot, bus and train. I also note that the development could provide affordable living within the village. However, these benefits do not outweigh the harm I have identified.

Conclusion

18. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR